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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/522,624	10/03/2005	Stuart Goodridge	66102-0004	5003
27717	7590	04/09/2008	EXAMINER	
SEYFARTH SHAW LLP			BOCHNA, DAVID	
131 S. DEARBORN ST., SUITE 2400				
CHICAGO, IL 60603-5803			ART UNIT	PAPER NUMBER
			3679	
			MAIL DATE	DELIVERY MODE
			04/09/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/522,624	GOODRIDGE, STUART	
	<b>Examiner</b>	<b>Art Unit</b>	
	David E. Bochna	3679	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 28 January 2008.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-15 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO/SB/08)

Paper No(s)/Mail Date \_\_\_\_\_.

4) Interview Summary (PTO-413)

Paper No(s)/Mail Date. \_\_\_\_\_ .

5) Notice of Informal Patent Application

6) Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Muslin.

In regard to claim 1, Muslin discloses a fitting 16 for connection to an end of a tubular member, the fitting comprising a collar 18 which is received over an outer surface of an end of the tubular member 12, and a separate externally threaded sleeve 16a (“which has an outside diameter which is larger than an internal diameter of the tubular member” is intended use language), and which is screwed into the tubular member to expand the tubular member and trap it between the collar and the sleeve, and the internal bore of the collar 18 and the outside surface of the collar being continuously smooth and cylindrical along an entire hose contacting length.

3. Claim 15 is rejected under 35 U.S.C. 102(b) as being anticipated by Davis.

In regard to claim 15, Davis discloses a method of connecting a fitting to an end of a tubular member, the method comprising the steps of:

(a) fitting a collar 15 with a cylindrical internal bore over a free end of the tubular member C, the internal bore 16 of the collar being continuously smooth and cylindrical along an entire hose contacting length (see fig. 3 where surface 16 is cylindrical and surface 18 is tapered and also page 2, col. 1, lines 31-33 where it states that only surface 18 is tapered).

(b) screwing a threaded sleeve 11 of the fitting, which sleeve has a cylindrical outer surface with a diameter larger than an internal diameter of the tubular member, into the tubular member C, thereby expanding the tubular member and trapping it between the collar and the sleeve (see fig. 5).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davis in view of Muslin.

In regard to claim 1, Davis discloses a fitting 15 for connection to an end of a tubular member, the fitting comprising a collar 18 which is received over an outer surface of an end of the tubular member C, and a separate externally threaded sleeve 11 which has an outside diameter which is larger than an internal diameter of the tubular member, and which is screwed into the tubular member to expand the tubular member and trap it between the collar and the sleeve, and the internal bore 16 of the collar being continuously smooth and cylindrical along an entire hose contacting length.

Davis discloses that it is preferable to have the exterior surface of the sleeve taper slightly, but does not supply any specific reason or benefit in having the sleeve taper. Muslin teaches that it is common and well known in the art to provide the sleeve of a similar fitting with a cylindrical exterior surface, which results in a fitting that is easier to produce because it does

not require the time and expense of the tapering step. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to supply the connection of Davis with a cylindrical exterior surface sleeve, as taught by Muslin, in order to supply a sleeve that provides the same connection properties as a tapered sleeve, without the extra steps and expense needed to produce a tapered sleeve.

In regard to claim 2, in which the sleeve forms a thread in an internal wall of the tubular member as it is screwed in (the claim is only positively drawn to the fitting and not the combination of the fitting and hose, the thread 12 on 11 is capable of forming a thread on the internal wall of a hose).

In regard to claim 3, in which the leading edge of the sleeve 11 is chamfered.

In regard to claim 4, in which the thickness of a side wall 11 of the sleeve decreases towards its distal end (see hidden lines of 11 in fig. 1).

In regard to claim 5, in which the sleeve has an internal bore which is greater than or equal to an internal bore of the tubular member prior to insertion of the sleeve (bore walls of 11 and C match up in fig. 5).

In regard to claim 6, in which the tubular member C is a hose.

In regard to claim 7, in which the tubular member C is a high pressure hydraulic hose.

In regard to claim 8, in which the sleeve 15 is connected to a hydraulic connector 14 at its end remote from a threaded end 12 of the sleeve.

In regard to claim 9, in which the tubular member is formed from a polymer (claims are only drawn to the fitting and not a fitting in combination with the tubular member therefore the

prior art must only anticipated the features of the fitting and not the fitting in combination with the tube).

In regard to claim 10, in which the tubular member is formed from Teflon (claims are only drawn to the fitting and not a fitting in combination with the tubular member therefore the prior art must only anticipated the features of the fitting and not the fitting in combination with the tube).

In regard to claim 11, in which the tubular member comprises a resilient inner hose within a braided metal outer sheath (claims are only drawn to the fitting and not a fitting in combination with the tubular member therefore the prior art must only anticipated the features of the fitting and not the fitting in combination with the tube).

In regard to claim 12, Davis discloses a thread 11 on the threaded sleeve, but not that the thread on the threaded sleeve is 36 UNF or 28 UN on G-Line style pitch. However, it would have been obvious to one of ordinary skill in the art to make the thread on the threaded sleeve a 36 UNF or 28 UN on G-Line style pitch because a change in the shape of a prior art device is a design consideration within the skill of the art. In re Dailey, 357 F.2d 669, 149 USPQ 47 (CCPA 1966).

In regard to claim 13, in which the sleeve is provided with a secondary thread 13 which engages in a corresponding thread 19 formed on the collar.

In regard to claim 14, in which the secondary thread 13 is of larger diameter than the primary thread 12.

***Response to Arguments***

6. Applicant's arguments with respect to claims 1-15 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Boche discloses a similar couplings common in the art.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David E. Bochna whose telephone number is (571) 272-7078. The examiner can normally be reached on 8-5:30 Monday-Thursday and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (571) 272-7087. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/David E. Bochna/  
Primary Examiner, Art Unit 3679